

INDIANA LEGISLATURE.

[Omissions and curtailments of this report for want of space in these columns will appear in an appendix to Volume XXII of the *Brewer's Legislative Reports*.]

IN SENATE.

FRIDAY, March 6, 1885.
WEIGHTS AND MEASURES.

On motion of Mr. FOWLER, the bill (H. R. 211) to regulate weights and measures was passed by yeas 32, nays 2.

FARE ON FERRIES.

On motion by Mr. DAY, the constitutional rule was suspended, and the bill (S. 263) concerning ferries was read second time by title, the third time by sections—

Mr. McCLELL: This bill as a matter of course, is general in its character, but local in its application. It has no particular application except in the city of Jeffersonville. The people in the vicinity of Jeffersonville have complained of the charge of ten cents for foot passengers. The Commissioners of Clark County have ordered them to carry passengers for five cents, but they have refused to accede to the demand of the Commissioners, and now they come here, for the purpose of getting litigation and still prolong their concurrence in the demand of the Commissioners.

Mr. DAY: Many persons in my district demand that this bill should be passed. As the matter now is, whenever the Board of Commissioners make a decision it is final. We want the right to go into the Circuit Court on appeal. We want to go back where we were under the law four years ago.

The bill passed by yeas 30, nays 9.

LIQUOR LAW.

Mr. BAILEY moved to take from the table the bill (S. 126) to allow saloons in the cities of Indianapolis and Evansville to keep open except from midnight to 4 a. m.

Mr. McINTOSH made an ineffectual motion—yeas 16, nays 19—to lay this motion on the table.

The motion to take up the bill was agreed to.

On motion by Mr. BAILEY the report of the majority of the committee was concurred in—yeas 22, nays 20.

Mr. DAVIS, in explaining his vote, said: The bill throws down the door for saloon-keepers to sell liquor whenever they please, except upon Sundays and election days. I am not in favor of such liberal provisions for the sale of intoxicating liquors. I vote "no."

Mr. McINTOSH: I am opposed to the passage of this bill and therefore I am opposed to the report of the committee. I am perfectly surprised at the votes that are being cast in the Senate, in favor of the bill. The saloon-keepers of Indianapolis and Evansville can put a ring in the nose of the Democratic Senators in this Indiana Senate and make them vote what they want. Is it possible that members who, a few days ago, voted to lay that bill upon the table now come here within two days of the end of the session and change their votes and bring the bill back and take up the time? The saloon-keepers name my constituents. I protest against this measure and vote "no."

Mr. THOMPSON: The traveling public coming in at late hours of the night after the hotels have been closed would be benefited by the extension of the time of closing saloons until 12 o'clock. My constituents (Mr. Bailey) has looked into this matter by day and night, and he says the traveling public demand it. I vote "aye."

Mr. MAGUE: Two years ago I was not in favor of the Metropolitan Police bill, but I have been reading the bill and I am in favor of it. I am in favor of the right of legislation. We have got to have an arbitrary law for closing up the saloons any way, and I think 11 o'clock is a good hour. Earnestly I don't believe that this law ought to be interfered with. The law is good. I am in favor of it. I vote "aye."

Mr. HILLGASS: If this proposition was to apply generally I should oppose it, and since it is special I will support it. If such a law would be good in Indianapolis and Evansville it would be good in my town. I do not think it would be good in my town. I am opposed to taking up so much time in this kind of legislation. I vote "no."

The vote was announced as above.

So the report was concurred in.

Mr. BAILEY moved that the bill be engrossed. I submit that it is simply a police regulation that has fixed the hour of closing saloons in Indianapolis for the past two years. The statute upon this subject is not regarded. The saloon-keepers make the law. One or two papers objected to it on the ground that it was a police regulation instead of a statute law. Therefore we are seeking by this bill to make the law conform to the demands of the traveling public and the people of this city. Indianapolis is the Capital city of the State, and there are a large number of respectable people on the street after 11 o'clock at night.

Mr. OVERSTREET: I want to repel the slander that is attempted to be perpetrated upon the traveling public of this State. The idea that there is a necessity after 11 o'clock at night for men to have access to a saloon is absurd. The bill is for the accommodation of the saloons. It would indeed be strange if a person could not procure in Indianapolis after 11 o'clock at night, a sandwich without going to a saloon. I do hope and pray that the saloon-keepers of this city will not surrender their manhood to the saloon-keepers.

Mr. THOMPSON: We would not be doing any violence by voting to allow the saloons of this city to remain open until 12 o'clock. I have come to the opinion that temperance is to be established in the family circle, in the Church and Sunday-school, and not by law. I have a horror of establishing religion by law.

Mr. WINTER: The only class of people that is demanding the passage of this bill is the saloon people and a small class of politicians. I know the sentiments of the better class of Democrats and Republicans of this city, and they are opposed to it. It is for political purposes that these small fry politicians want the bill. There is no sentiment whatever among either Democrats or Republicans for a change in the present law. In [an] early day of this session there came before this Senate a memorial of the pastors of this city asking that the law in regard to saloon closing be not changed. In [an] early day of this session the saloon-keepers fired the horns to close at 11 o'clock, and there is no occasion to make the hour later.

Mr. CAMPBELL, of St. Joseph, moved to indefinitely postpone the bill.

Mr. RAHM: The Republican Senators will vote straight ahead for temperance. So far as I know, every body is satisfied with the bill. I am here to defend the rights of the citizens, and I intend to do so by voting for the bill. It is not fair that a man should not have the right to drink from 11 to 12 o'clock. It is not the saloon-keepers and brewers in Evansville alone that demand this change.

The motion to indefinitely postpone was agreed to by yeas 24, nays 19.

Mr. JOHNSON, of Tippecanoe, in explaining his vote said: While my county is not interested in this bill, yet I am opposed to the motion to indefinitely postpone. In small cities life is ebbing away at 9 or 10 o'clock while at Indianapolis life is just commencing. I don't think the Senate would commit any mistake in passing this bill. I believe the metropolitan character of the city of Indianapolis would justify the extending of the hour until 12 o'clock.

Mr. HIVELEY, when his name was called, said: While I am in principle opposed to the proposition of the bill, yet as it is local in its character and as a majority of the Senators representing these localities appear to be anxious for its passage, I vote against the motion to indefinitely postpone. I vote "aye."

The vote was then announced as above.

So the bill was indefinitely postponed.

On motion of Mr. BAILEY, the Constitutional rule was suspended, and the bill (S. 271) prohibiting the manufacture and sale of oleomargarine was read the second time, and Mr. FOWLER, in explaining his vote, said: I think we ought to bear from some physicians as to whether these articles are injurious. I think there ought to be a provision that a man could sell oleomargarine as oleomargarine if he desired. If it is not injurious, and a man desires to use it in his family, he ought to be allowed to do so.

Mr. BAILEY: This bill was copied from the law in New York. It is beneficial to both consumers and manufacturers. This bill is intended to stop an imposition upon the traveling public. I think it is a good bill. I think it is a bill that ought to be passed.

Mr. CAMPBELL, of St. Joseph: I can hardly see how any law could be passed to prohibit the sale of anything unless it was injurious to the public.

Mr. OVERSTREET: As I am in favor of prohibiting the sale of anything that is injurious—be it whisky or oleomargarine—I am in favor of this bill.

Mr. CAMPBELL: As no date has been set for the hearing of this bill, and not knowing whether it is injurious or not, I will vote "no."

The bill passed by yeas 40, nays 5.

AFTERNOON SESSION.

LOAN AND BUILDING ASSOCIATIONS.

The bill (H. R. 299) to provide for building loan fund and savings associations coming up as a special order—

Mr. McINTOSH called attention to a provision in Section 4, which seems to declare forfeited money paid in because the whole subscription is not paid in; also, in Section 12, providing for further forfeitures.

Mr. MAGUE understood Section 4 to mean that the money paid in was to be held as a loan to the association, and that if the association failed to pay the money back, it would be forfeited.

Mr. CAMPBELL, of St. Joseph: This bill comes under almost all objections to a usury bill. Besides, preferred stockholders may be 100 percent of the stock. These corporations may hold almost unlimited property. A cursory glance at the bill indicates that it should receive a careful consideration. This seems to be, boiled down, vicious legislation.

There is a similar law on our statute books, commencing with Section 3,407 of the code. This bill gives a greater latitude than the present law. There can be no forfeiture except by a borrower. The bill gives the association the right to loan to outsiders, and does not interfere with the law as it now stands. He had known many men to acquire homes with the aid of these associations by paying but a little more than rent would cost for five, six or seven years. There can be no injustice growing out of this bill, but it would be productive of good.

Mr. DAVIS: I am very strongly in favor of the building and loan association law as it stands. This bill is not subject to the criticism made by the Senator from St. Joseph. These associations never charge more interest than the law allows. But there are such serious objections to this bill I can not support it. It proposes some radical changes, to which I am opposed. The section proposing to make preferred stockholders is all wrong. There are also objections to Section 4.

Mr. OVERSTREET: It is and the present law has worked well and done much good; why not leave it alone? This bill prescribes that no premiums shall be deemed usurious. It is a dangerous bill, and ought not to pass.

Mr. WINTER has been a manager of a Building Association for many years, and by the aid of such associations many have acquired homes who otherwise would not have homes. This bill is an insidious effort to convert such associations from their legitimate purposes by allowing the managers to reap a rich harvest from outsiders. There is no wrong about it under the present law, but this bill would allow usurious interest of the worst kind. As now operated they may be called the poor man's bank. Under this bill a small minority of the stockholders would have all the profits, with but few exceptions.

The bill was rejected by yeas 7, nays 36.

HIGHWAY OBSTRUCTIONS.

On motion by Mr. McCLELL the bill (H. R. 119) in relation to the removal of obstructions from public highways, was read the second time and passed under a dispensation of the constitutional rule by yeas and nays, and finally passed by yeas 37, nays 0.

BUILDING AND LOAN ASSOCIATIONS.

The bill (H. R. 151) for the incorporation of building loan fund and savings associations, a special order, was read the third time.

Mr. BAILEY: There has been no law upon our statute books that has done so much for the welfare of the people as this law. They encourage people to save their money in lowering the rate of interest. Loans to persons outside of the associations have been allowed under the present law. Most of the associations receive only 6 percent, while the law allows them 8 percent.

Mr. CAMPBELL, of St. Joseph: As this bill now stands it is, in my mind, subject to great criticism. I see in it only a scheme to organize a corporation, with the power to have a million of dollars of stock, and under the name of premiums loan it at a usurious rate of interest, as it provides that loans may be made only to stockholders, but to those outside and premiums or bonus be taken as consideration for such loans being granted. There is no reason why such power of usury should be given to these associations any more than that such privileges should be given to savings banks. As the bill now stands it is vicious and dangerous.

Mr. DAVIS: I believe the question has been fully discussed. The Supreme Court of Pennsylvania has decided that taking premiums for priority of loans is not usury. It has been decided this way in Indiana. The working of these associations have been official. The objection of their being associations with large capital is not valid, when we understand that the funds of the associations are put out in mortgages, small loans, etc.

Mr. WINTER: The contemplation of these associations is that, at first, the man who

gets money from the association pays a high rate of interest, but afterwards he receives a high rate of interest from the other borrowers; hence it would not be usurious. Under the present law they can not loan their money to outsiders. This bill provides that when the association can not loan to any of their members they can loan to outsiders at the legal rate of interest. This bill has been recommended by 290 loan associations of the State. The only capital the associations ever have is the weekly dues upon their shares. This bill provides that the loan shall not be at the legal contract rate. The provisions in the existing law in regard to holding property is not changed. Members desire some time to take out shares in favor of their children. We have no savings banks; our laws prove an utter failure in regard to this. These associations act as savings banks.

Mr. FOUKLE, by consent, amended the bill so that loans to outsiders shall not be at more than the legal rate.

Mr. BAILEY: I am satisfied that the only purpose of this bill would be to make straight loans.

Mr. THOMPSON: I believe the spirit of fairness has always been exercised in these associations. None of the members of the associations have spoken against them.

Mr. CAMPBELL, of St. Joseph: Since the bill is amended so that loans to those who are not stockholders shall not be at more than legal rates, and with no premiums, the great objection which I saw in the bill is largely removed.

The bill passed by yeas 38, nays 0.

THE MILITIA BILL.

The Lieutenant Governor laid before the Senate the bill (S. 271) to amend the Militia Act.

Mr. FOUKLE moved to postpone the consideration of the veto message until tomorrow morning at 10 o'clock.

The motion was rejected.

On motion of Mr. DAVIS it was ordered that the message be spread at large upon the journals.

Mr. WINTER: I think the Constitution does not contemplate immediate action upon a veto.

Mr. WILLARD moved the Senate take up the consideration of the Governor's veto and demanded the previous question.

The demand was seconded by the Senate, and under its operation the motion was agreed to by yeas 21, nays 20.

Mr. FOUKLE believed the objections of the Governor would have weight with the Senate, and the proper way to treat the message was to refer the bill to the Judiciary Committee, and he made that motion.

Mr. WILLARD insisted the previous question goes to the question "shall the bill pass the objections of the Governor to the contrary?"

Mr. SMITH, of Jennings, objected to the bill being referred to the Judiciary Committee. We can do as we please with the bill. Every laboring man against whom this bill is directed, would praise the Governor for his glorious action. It is the most odious bill that has been introduced in the Senate. I demand the previous question.

The demand was seconded by the Senate, and under its operation the motion to refer was rejected by yeas 16, nays 26.

Mr. CAMPBELL, of Hendricks, when his name was called, said: I voted for the bill believing that in a certain emergency it would do great service in preserving the peace. I understood that the bill had been prepared by those competent and interested in the measure, and had no reason to doubt its constitutionality. I gave my attention to the details of the main provision of the bill, and I had in mind, I am constrained to believe and do believe that the Governor's objections are valid, and that certain parts of the bill are unconstitutional. While I voted to refer the bill to the Judiciary Committee, I am now prepared to vote for the bill. I vote "aye."

Mr. JOHNSON, of Tippecanoe, in explanation of his vote, said: I was in favor of the passage of this bill, but, believing the objections of the Governor valid, I vote "no."

Mr. MAGUE: I voted for the bill, believing it to be a just one and believing that the people of the State desired that the militia of our State should stand along side of the militia of Ohio and Illinois. I suppose, however, the Governor has examined the constitutionality of the bill very closely, and should be competent to judge. I vote "no."

Mr. OVERSTREET: The Democratic Senators on this floor, who were the special champions of the bill, seem to abandon it in its time of need. I do not know whether it is a constitutional measure or not, but I give a great deal of weight to the opinions of the Governor. I vote "no."

Mr. WILLARD, when his name was called, said: I am still in favor of a good militia, and the only reason that I now vote against the passing of the bill over the Governor's veto is that I believe the present bill unconstitutional. I vote "no."

Mr. WINTER: The bill is a very lengthy one, and there was no discussion of its provisions in detail. I think the Governor's objections are well taken, and as we have no right to pass an unconstitutional law, I vote "no."

Mr. YOCUM: I voted for this bill on its passage, and should a proper militia bill be brought up, I should vote for it. The arguments of the Governor are insuperable, and I feel it my duty to vote against the bill. I vote "no."

The vote was then announced as above.

So the Senate refused to pass the bill over the objections of the Governor.

UNIVERSITIES MAY HOLD REALTY.

On motion by Mr. FOUKLE, the bill (H. R. 400) to allow educational institutions to hold \$500,000 in real estate was passed by yeas 31, nays 4.

The Senate adjourned till tomorrow.

HOUSE OF REPRESENTATIVES.

FRIDAY, March 6, 1885—9 a. m.

Mr. MOSEER introduced a concurrent resolution to authorize the payment of \$550 to the proprietor of the Grand Hotel for rental of committee rooms. The resolution was adopted.

TO AMEND THE CONSTITUTION.

The Senate amendments to the joint resolution (H. R. 1) to amend the State Constitution in relation to the terms of county officers, were concurred in—yeas, 80; nays, 4.

THIRTY-FIFTH JUDICIAL CIRCUIT.

The Senate amendment to Mr. Best's bill (H. R. 79) to fix the time for holding courts in the Thirty-fifth Judicial Circuit, was concurred in.

THE MAY CLAIM.

In the regular order of call of counties for bills on the third reading, the bill (S. 178) to pay to Mrs. May \$10,000, was called up by Mr. Fisher.

The SPEAKER read the bill and read the bill on the following day.

COUNTY COMMISSIONERS.

The bill (S. 61) to regulate the terms of office of County Commissioners was called up by Mr. Reiter and passed—yeas, —, nays, —.

JOHN MARTIN'S CLAIM.

Mr. HELMS called up Mr. Pendleton's bill (H. R. 301) to allow John Martin a claim of

\$55,616.68 for brick work done on the Asylum for the Insane.

Mr. WILLIAMS opposed the claim. He did not believe that the State owed the money to Martin. There is no testimony to show that this claim is a just one. It has been said here that the reason that this should be paid was that a warrant had once been drawn for it. This warrant was issued under Governor Williams. John Martin's first claim was not for \$15,000 but \$10,000. He first presented his claim for \$10,000, which was refused; he then secured a warrant by a mandate, a compromise was finally made between Governor Porter and Mr. Martin, and the suit was dismissed. This claim has been before the General Assembly several times, and has never yet been reported upon favorably.

Mr. HELMS said that the claim, like Burbon, grows better with age. I think it good enough to vote "aye."

Mr. MOORE: I have given the bill considerable testimony and do not believe the claim is equitable. I vote "no."

Mr. MAUK: Believing that the measure is non-partisan, and believing in the rule laid down by Mr. Browning that the claim, like Burbon, grows better with age, I think it good enough to vote "aye."

Mr. McBRID: As I do not know enough about it, and have been unable to learn, I would like to be counted among the absentees.

The SPEAKER: The gentleman must vote.

Mr. McBRID: Then I vote "no."

Mr. SMITH, of Tippecanoe: The difference lies in the written and the unwritten rules as to the measurement. As the printed rules were adopted, I vote "no."

Mr. TWINHAM: For the reason that it is a plain contract I vote "aye."

Mr. WILLIAMS: I have never believed it just and do not now, therefore I vote "no."

Mr. WILSON: I voted for it two years ago under a misapprehension, and now I vote "no."

The vote was announced as above.

So the bill failed to pass.

AFTERNOON SESSION.

THE APPROPRIATION BILL.

Mr. PATTON: I will again, in my modest way, move to take up the bill (H. R. 271), the Appropriation bill, as a special order.

The motion was rejected—yeas 33, nays 54.

The SPEAKER: I hope no further time will be wasted on these roll-calls on this Appropriation bill. It is evident the House does not intend to take it up.

TRAVEL ROADS.

Mr. Boyd's bill (H. R. 25) to amend an act authorizing County Commissioners to construct gravel roads on county lines was read the third time.

Mr. BROWNING: One of the leading journals here having stated that if we did not have a gravel road, it would not be a fault, and to show that the writer was honestly mistaken, I move the previous question.

Subsequently the demand was withdrawn.

Mr. MOORE said the bill was unobjectionable and should pass.

The bill passed—yeas 80, nays 2.

SARAH MAY'S CLAIM.

Mr. GORDON moved to amend the bill (S. 178) allowing Mrs. Sarah May \$10,000 for architect services by her late husband, the late Edwin May, making the sum \$4,000. He said he was not sure but \$4,000 was too much.

Mr. WILLIAMS: After the gentleman from Putnam (Mr. Gordon) has secured testimony which says the just claim is \$12,000, it looks bad for him to come up here and propose such an amendment.

On motion of Mr. WILLIAMS the motion to amend was laid on the table—yeas, 57, nays, 33.

Mr. LOYD, explaining his vote, said: I am not in favor of giving even the \$4,000, therefore I vote "aye."

Mr. GORDON moved to amend so as to divide the sum among the heirs. He said: The gentleman from Knox (Mr. Williams) has stated that all the members of the State House Commission had stated the money was owing. The testimony shows the contrary. This testimony shows that the State House Commissioners paid Mr. May \$3,500 more than due him. The State doesn't owe Edwin May, Mrs. May or any of the May heirs a cent, but if the money is to be paid, let it be given to the proper persons. It has been stated here that the May heirs have assigned all their claims to Mrs. May. I have a letter from E. T. May, who denies this. I desire to have it read as a part of my remarks.

The SPEAKER: If the gentleman will vouch for its genuineness he may have it read.

Mr. GORDON: I can not do that, of course.

The SPEAKER: Then the letter can not be read.

Mr. TAYLOR: If the gentleman will allow me a suggestion, I will say that I have seen a letter from two of the May heirs substantiating the assignment of the claims to Mrs. May, and their signatures were genuine.

Mr. GORDON: General Morris and General Nelson both declare that they believe that Edwin May was fully paid.

Mr. WILLIAMS: I think this procedure is unfair at this very late day—for the reason that it is too late to be taken from the end of the Capitol. So far as claims against Indiana are concerned, this is the only trial for claimants against the State.

Mr. BROWNING: Do you, on your honor, as a lawyer, say that the whole claim may be paid to Mrs. May?

Mr. WILLIAMS: I do, because I have here a communication to the Senate from the May heirs assigning their claims to Mrs. May.

On motion of Mr. WILLIAMS the amendment was laid on the table.

Mr. GORDON moved to amend that the claim be paid to the heirs. He said: I have a letter from two of the May heirs substantiating the assignment of the claims to Mrs. May, and their signatures were genuine.

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Mr. GORDON: I believe that Indiana should pay the honest debt. I am slow to support schemes of appropriating money, but believing this bill a just debt, viewing from every light, I vote "aye."

Mr. HANLON: Being a member of the Claims Committee, my investigation leads me to oppose the measure. I vote "no."

Mr. HARRELL: For the reason that I have heard no testimony justifying the claim, I vote "no."

Mr. HOLMAN: From what I can learn, taking the best testimony, I vote "aye."

Mr. KERRISON: As one of a hundred jurymen I have heard no conclusive testimony one way or the other which merits a conviction of the mind. All the testimony is from hearsay, and fearing that to vote for it, on the meager testimony, I might regret it, I vote "no."

Mr. MOORE: I have given the bill considerable testimony and do not believe the claim is equitable. I vote "no."

Mr. MAUK: Believing that the measure is non-partisan, and believing in the rule laid down by Mr. Browning that the claim, like Burbon, grows better with age, I think it good enough to vote "aye."

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